

Remarks

Claims 568-614 are presently pending in the subject application.

Reconsideration and allowance are respectfully requested in view of the above amendments to the claims and the following remarks.

Claims 519-535, 537-555 and 557-567 are canceled herein and replaced with new claims 568-614. With the exception of claims 591 and 614, the newly added claims are identical to the previously pending claims. The sole reason for submitting these replacement claims is to reorganize the order of the claims. New claims 591 and 614 are the same as prior claims 539 and 559, except that claims 591 and 614 recite multiple dependencies and indicate that each 2'-O-alkyl ribonucleotide of the claims from which they depend is a 2'-O-methyl ribonucleotide.

Double Patenting Rejection

Claims 519-535, 537-555 and 557-567 (now claims 568-614) stand rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-61 of U.S. Patent No. 6,903,206. Without addressing the merits of this rejection, Applicants submit that this rejection is overcome by the terminal disclaimer filed herewith. Accordingly, withdrawal of the Examiner's double patenting rejection is hereby respectfully requested.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that claims 519-535, 537-555 and 557-567 (now claims 568-614) are free of the prior art. The Examiner states for the record that no prior art has been found which teaches or suggests a probe molecule having first and second base regions that form a hybrid containing at least one 2'-O-alkyl ribonucleotide, where the probe forms a complex with an RNA target but not with a non-targeted nucleic acid, and where the complex comprises a single-stranded form of the probe. Applicants agree and reserve the right to pursue composition claims directed to such probe molecules in a continuation application.

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Conclusion

In view of the amendments and remarks set forth herein, Applicants submit that the subject application is in condition for allowance and notice to that effect is respectfully requested.

Please charge any fees due in connection with this Reply, including the excess claims fee, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully submitted,

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